REMARKS

Currently, claims 1-15 remain pending in the present application, including independent claim 1. Pursuant to the Restriction Requirement, claims 16-41 are canceled as being drawn to a non-elected invention. As shown above, the limitations of previously pending claims 4, 5, and 12 have been included within independent claim 1.

As an initial matter, the Office Action states that the Declaration is defective in the present application. Specifically, the Office Action states that the Declaration should be changed to read "material to patentability" instead of "material to the patentability". Applicants respectfully assert that the presently filed Declaration is not defective and sufficiently declares that the present inventors acknowledge their duty under 37 C.F.R. § 1.56. In fact, when read as a whole, the declaration specifically references this section of the C.F.R. Thus, the inventors have sufficiently acknowledged their duty under this section – even if the Declaration contains an extra "the" in the statement. Furthermore, the presence of "the" in the Declaration does not change the acknowledgement of the present inventors of their duty under §1.56.[1] As such, Applicants respectfully assert that the Declaration is sufficient and the objection be withdrawn.

Furthermore, since the Office Action's objection essentially amounts to a form over substance type rejection, the Examiner can waive the minor deficiency because the minor deficiencies in the body of the oath or declaration is self-evidently cured in the

[1] The Examiner's attention is drawn to the actual wording of 37 C.F.R. § 1.56, where the phrases "material to patentability" and "material to the patentability" are both present in the section. (§1.56(a): "Information material to the patentability of a claim…"; "There is no duty to submit information which is not material to the patentability of any existing claim.", emphasis added).

rest of the oath or declaration. MPEP § 602.03. Thus, Applicants request that this objection be withdrawn and the Declaration be accepted.

In the Office Action, claims 1-4, 7 and 11 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,853,978 of Stockum. Additionally, claims 8-10 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Stockum. Additionally, claims 12-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Stockum in view of U.S. Patent No. 6,630,152 of Chou.

However, as shown above, the limitations of previously pending claims 4 and 5 have been incorporated into independent claim 1. Thus, all of the rejections in view of Stockum are moot. However, in amending independent claim 1, Applicants do not acquiesce to the rejection of original claim 1 in view of Stockum.

Also in the Office Action, claims 1 and 4-6 were rejected under 35 U.S.C. § 102(b) as being anticipated by European Patent No. EP 0 455 323 A2 of Potter. However, Potter does not teach or even suggest the presence of a skin conditioner in the donning layer. In fact, the Office Action admits – through its non-rejection of claim 12 in view of Potter – that Potter fails to teach such a skin conditioning additive for imparting a benefit onto the wearer of the glove.

Finally, claims 1 and 11-13 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 9-12 and 16-18 of U.S. Patent No. 7,175,895 to Jannsen. However, like the rejections in view of Stockum, the double patenting rejections are moot due to the incorporation of dependent claims 4 and 5 into independent claim 1.

Applicants respectfully submit that the present application is in complete condition for allowance and favorable action, therefore, is respectfully requested. Examiner Marcetich is invited and encouraged to telephone the undersigned, however, should any issues remain after consideration of this Amendment.

Please charge any additional fees required by this Amendment to Deposit Account No. 04-1403.

Respectfully requested,

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